

EXHIBIT "B"

1

2 UNITED STATES DISTRICT COURT

3 SOUTHERN DISTRICT OF NEW YORK

4 ----- x

5 YOLANDA BEJASA-OMEGA,

6 Plaintiff,

07 Civ.

7 2950(SWK)

8 -against-

9 PV HOLDING CORP. and RONALD M. SKLON,

10 Defendants.

11 ----- x

12

13

14 DEPOSITION of the Defendant,

15 RONALD M. SKLON, taken by the Plaintiff,

16 pursuant to order, held at the offices of

17 Barrister Reporting Service, Inc., 120 Broadway,

18 New York, New York, on August 24, 2007, at 10:11

19 a.m., before a Notary Public of the State of

20 New York.

21

22 *****

23 BARRISTER REPORTING SERVICE, INC.

120 Broadway

24 New York, N.Y. 10271

212-732-8066

25

1

2 APP E A R A N C E S:

3

4 SAKKAS & CAHN, ESQS.

5 Attorneys for Plaintiff

6

7 150 Broadway

8 New York, New York 10038

9

10 BY: MATTHEW SAKKAS, ESQ.

11

12

13

14 MONTFORT HEALY MC GUIRE & SALLEY, ESQS.

15 Attorneys for Defendant

16 RONALD M. SKLON

17 1140 Franklin Avenue

18 Garden City, New York 11530

19 BY: MICHAEL ADAMS, ESQ.

20

21

22 REARDON & SCLAFANI, PC

23 Attorneys for Defendant

24 PV HOLDING CORP.

25 220 White Plains Road

BY: Tarrytown, New York 10591

19 BY: NICHOLAS ACCURSO, ESQ.

(Via telephone)

20

21

22

23

24

25

xxxxxx

1

2 S T I P U L A T I O N S

3

4 IT IS HEREBY STIPULATED AND AGREED by and
5 between the attorneys for the respective parties
6 herein, that filing, sealing and certification,
7 and the same are, hereby waived.

8

9 IT IS FURTHER STIPULATED AND AGREED that
10 all objections except as to the form of the
11 question, shall be reserved to the time of the
12 trial.

13

14 IT IS FURTHER STIPULATED AND AGREED that
15 the within deposition may be signed and sworn to
16 by an officer authorized to administer an oath,
17 with the same force and effect as if signed and
18 sworn to before the Court.

19

20

xxxxxx

21

22

23

24

25

1 Sklon

2 R O N A L D M. S K L O N

3 having been first duly sworn before a Notary
4 Public of the State of New York, was examined
5 and testified as follows:

6 EXAMINATION BY

7 MR. SAKKAS:

8 Q What is your name?

9 A Ronald Sklon.

10 Q What is your address?

11 A 1900 Caryle Lane, The Villages,
12 Florida 32162.

13 Q Good morning, Mr. Sklon.

14 A Good morning.

15 Q My name is Matthew Sakkas. I'm with
16 the law firm Sakkas & Cahn. I'm going to be
17 asking you some questions related to a case
18 of Yolanda Bejasa-Omega involving PV Holding
19 Corp. and yourself. If, at anytime, Mr.
20 Sklon, I ask you a question that is unclear,
21 please let me know and we'll eliminate any
22 confusion before you give an answer.

23 A Okay.

24 Q Please kindly keep your answer verbal
25 because if you nod your head or if you

1 Sklon

2 indicate with your hands, it won't come out
3 on the record and Mr. Accurso won't be able
4 to see that as well.

5 Lastly, but not least, if you wish to
6 take a break, whether to speak to your
7 attorney, for any reason, just let us know
8 and we will take break; all right?

9 A All right.

10 Q Mr. Sklon, you gave your address at
11 1900 Caryle Lane, The Villages, Florida,
12 32162?

13 A Correct.

14 Q Was that your address in October of
15 '06?

16 A It was.

17 Q Have you ever been known by any other
18 names besides Ronald M. Sklon?

19 A No.

20 Q Could I have your date of birth,
21 please?

22 A January 30, 1950.

23 Q Were you involved in a motor vehicle
24 accident with a pedestrian in October of '06?

25 A Yes.

1 Sklon

2 Q Do you recall the exact date of the
3 accident?

4 A I believe, it was October 26th or
5 27th.

6 Q If I said the accident report
7 indicated October 27th of '06, would that
8 seem correct to you?

9 A Yes.

10 Q Do you recall if that was a weekday or
11 a weekend?

12 A Weekday.

13 Q Do you recall the day of the week?

14 A Do not.

15 Q What time of day or evening did the
16 accident occur?

17 A About 8:15 in the morning.

18 Q Can you tell me where the accident
19 occurred?

20 A The corner of 44th Street and Second
21 Avenue.

22 Q At the time, you were driving a
23 vehicle; is that correct?

24 A Correct.

25 Q Who was the owner of that vehicle?

1 Sklon

2 A Budget Rent A Car.

3 MR. ACCURSO: Note my objection
4 to the question.

5 Q Had you rented that car?

6 A Yes.

7 Q Can you tell me where you rented it?

8 A I believe, it was 49th Street and
9 Eighth Avenue.

10 Q When did you rent that car?

11 A That morning.

12 Q Were you in New York on a business
13 trip at the time of the accident?

14 A No.

15 Q Pleasure trip?

16 A Pleasure trip.

17 Q You don't have a residence here; is
18 that correct?

19 A Do not.

20 Q Did I ask you approximately what time
21 you rented the car?

22 A It was right before, that I picked up
23 the car.

24 Q Did you pick up the car at the place
25 where you rented it?

1 Sklon

2 A Yes.

3 Q Can you tell me, did you drive from
4 that location 49th Street and Eighth Avenue
5 directly to where the accident occurred?

6 A Yes.

7 Q If the accident had not happened, what
8 would have been your intended destination?

9 A I was going to my daughter's.

10 Q Where is that?

11 A East Meadow, New York.

12 Q Can you tell me, the route that you
13 took from 49th and Eighth up until the point
14 of the accident?

15 A I came across town, but I don't
16 remember specifically what streets I turned
17 on.

18 Q I take it at some point, you got onto
19 44th Street; is that correct?

20 A Correct.

21 Q Do you know where you got onto 44th
22 Street?

23 A I don't recall.

24 Q Could you tell me how long either in
25 time or distance you had been on 44th Street

1 Sklon

2 prior to the accident?

3 A Just a few blocks. I don't recall
4 exactly how many.

5 Q What was the weather like that
6 morning?

7 A As I recall, it was nice.

8 Q Had you ever driven in the area where
9 the accident occurred prior to that morning?

10 A Yes.

11 Q Were you familiar with the area?

12 A Yes.

13 Q Can you tell me with what regularity
14 you would drive in that vicinity?

15 A Infrequently.

16 Q Couple times of a year, something in
17 that neighborhood?

18 A Yes, maybe once or twice a year.

19 Q Were you intending to get to a bridge
20 or a tunnel?

21 A Yes.

22 Q Which one?

23 A Midtown Tunnel.

24 Q On 33rd, 34th?

25 A Yes.

1 Sklon

2 Q Were you intending to take Second
3 Avenue down to the Midtown Tunnel?

4 A Yes.

5 Q When you got to intersection of 44th
6 and Second Avenue, was there a traffic light
7 there?

8 A Yes.

9 Q Did you stop at the light or was it
10 green when you approached the intersection?

11 A I was stopped.

12 Q At some point, did the light turn to
13 green for you?

14 A Yes.

15 Q At that point, you were intending to
16 make a right from 44th to Second?

17 A Yes.

18 Q Were there any vehicles in front of
19 you --

20 A No.

21 Q Just let me finish.

22 MR. ADAMS: Let him finish.

23 Q Were there any vehicles in front of
24 your vehicle as you were waiting at the light
25 at 44th and Second?

1 Sklon

2 A No.

3 Q What was the traffic like that
4 morning, if you recall?

5 A Don't recall.

6 Q Was the ground dry?

7 A I believe so.

8 Q Could you estimate for me, in terms of
9 time, how long it had taken you to get where
10 you had rented the car, Budget Rent A Car up
11 to the point of the accident?

12 A Just a few minutes. I don't remember
13 exactly.

14 Q You hadn't driven that car before?

15 A I don't believe so, no.

16 Q Do you recall what kind of car it was?

17 A Some sort of Chevrolet.

18 Q A Chevy?

19 A Yes.

20 Q A four-door?

21 A I believe.

22 Q Did you have any mechanical problems
23 with the vehicle as you drove to Second
24 Avenue?

25 A No.

1 Sklon

2 Q Is it your contention that there was
3 anything mechanically wrong with the vehicle
4 that may have led to the accident or some
5 fashion?

6 A No.

7 Q It was in working order?

8 A Seem to be.

9 Q Do you know about how long you were
10 stopped at the light at 44th and Second?

11 A Maybe a minute.

12 Q Is 44th Street a one-way street?

13 A Yes.

14 Q 44th goes eastbound; is that correct?

15 A Yes.

16 Q How many lanes for moving traffic were
17 there on 44th going eastbound?

18 A I don't know.

19 Q Were there any cars to your right or
20 to your left either idling or parked as you
21 were waiting for the light at 44th?

22 A There was no cars to the right, I was
23 in the right lane. I don't recall whether
24 there were any cars on my left.

25 Q As you were waiting at the light, did

1 Sklon

2 you have your turn signal on?

3 A Yes.

4 Q As you were waiting at the light, was
5 the radio on --

6 A I don't recall.

7 Q -- inside your vehicle?

8 Were you making a cell phone call or
9 doing anything in the vehicle other than just
10 driving?

11 A No.

12 Q Just driving?

13 A Just driving.

14 Q At some point, there was an impact
15 between the vehicle you were driving and a
16 pedestrian; is that correct?

17 A Correct.

18 Q Can you tell me where that impact
19 occurred?

20 A Just as I was turning to Second
21 Avenue.

22 Q Second Avenue is also a one-way road?

23 A Correct.

24 Q Second Avenue goes downtown?

25 A Yes.

1 Sklon

2 Q How many lanes for moving vehicles are
3 there on Second Avenue going downtown?

4 A I don't know.

5 Q As you made that right from 44th
6 Street, are you aware as to whether there
7 were any vehicles parked on the very
8 right-hand side of Second Avenue as one would
9 face downtown?

10 A I don't recall.

11 Q As you made --

12 A There was none where I was turning.

13 Q None where you were turning?

14 A There may have been further up the
15 street.

16 Q I understand, thank you. As you made
17 your right-hand turn, you indicated you were
18 in the right lane of 44th Street?

19 A Correct.

20 Q Were you turning into the right-most
21 lane of Second Avenue again facing downtown
22 or some other lane?

23 A Not into the right lane of Second
24 Avenue.

25 Q How much time elapsed from when the

1 Sklon

2 light turned green for you up to the point of
3 the impact?

4 A 20 to 30 seconds.

5 Q Could you describe the pedestrian that
6 your vehicle came into contact with?

7 A I don't know what you mean by
8 describing her.

9 Q What she looked like? If you know her
10 name? Anything about her?

11 A I didn't know her name. She's short,
12 she looked a tad elderly, I guess. I don't
13 know that I could describe her any better
14 than that.

15 Q Okay. Was she in the crosswalk when
16 the impact occurred?

17 A She was about two steps off the curb.

18 Q Did you see her at any point prior to
19 the impact?

20 A Yes.

21 Q Can you estimate for me the length of
22 time that passed from when you first saw her
23 until the point of impact?

24 A I can't.

25 Q Would you be talking under 30 seconds?

1 Sklon

2 A Oh, yeah.

3 Q Under 10? Don't guess if you don't
4 know.

5 A I don't know.

6 Q That's fine. When you first observed
7 her, where was she?

8 A On the sidewalk.

9 Q What was she doing?

10 A Standing.

11 Q Waiting for the pedestrian signal?

12 A I don't know what she was doing?

13 MR. ACCURSO: Note my
14 objection.

15 Q When you first saw her, was the light
16 red for you?

17 A Yes.

18 Q Did you have her under continual
19 observation from when you first saw her up to
20 the point of the impact?

21 A Yes, yes.

22 Q Could you describe for me what she did
23 from when you first saw her up to the point
24 of the impact?

25 A I started turning. She was still on

1 Sklon

2 the curb, just as I was about to finish the
3 turn. She stepped out in front of me and I
4 stopped. I guess, we came in contact.

5 Q Let me just go back a little bit, if I
6 might. Would it be accurate to say that the
7 woman who was involved in the accident was
8 crossing from what would be the southwest to
9 the southeast corner of the intersection?

10 A Yes.

11 Q The crosswalk that goes from the
12 southwest to the southeast corners. Does
13 that have lines that designate the crosswalk?

14 A I don't know.

15 Q Was the woman who was involved in the
16 accident physically on the sidewalk, in the
17 crosswalk or some other place when the impact
18 occurred?

19 A When the impact occurred, she was in
20 the street.

21 Q Were there any other pedestrians
22 crossing Second Avenue along the south side
23 of the intersection at the time of the
24 accident?

25 A I don't remember.

1 Sklon

2 MR. SAKKAS: If we could, let's
3 just mark these for identification.

4 (Whereupon photographs was
5 marked Exhibit 1, 2 & 3 for
6 identification as of this date.)

7 Q Mr. Sklon, was anybody else in the car
8 with you when the accident occurred?

9 A No.

10 Q Do you know of any witnesses to the
11 accident?

12 A No.

13 Q The accident report lists a Sonia
14 Baharovic. Do you know Ms. Baharovic?

15 A No.

16 Q Were you ever aware that she was
17 listed on the accident report prior to me
18 just saying that?

19 A No.

20 Q What part of the vehicle that you were
21 driving came into contact with the lady?

22 A The front bumper. I believe, on the
23 right passenger's side.

24 Q What part of the pedestrian was
25 contacted by the vehicle?

1 Sklon

2 A I believe, it was the hip.

3 Q Would that be on left side or right
4 side or something else?

5 A I'm not real sure.

6 Q When the contact occurred, what
7 happened to her?

8 A She fell right down in front of me.

9 Q How would you characterize the
10 contact, soft, hard?

11 A Soft.

12 Q Did you hear anything when the contact
13 occurred?

14 A A small thud.

15 Q Just going back for a second. Was
16 anybody else standing on what would be the
17 southwest corner prior to your making the
18 turn, to go south on Second Avenue besides
19 the lady?

20 A There were people there, but I have no
21 idea which direction they were heading or if
22 they were looking.

23 Q When the contact occurred, was the
24 lady involved in the accident walking towards
25 your vehicle, away from your vehicle or

1 Sklon

2 something else?

3 A In front of the vehicle.

4 Q Would she have been crossing from your
5 right to your left, from your left to your
6 right or something else?

7 A Right to left.

8 Q How would you characterize her manner
9 of walking; was she walking in a normal pace,
10 running, walking slowly or something else?

11 A I don't know. She just walked right
12 out in front of me, in the middle of a turn.

13 Q You were making essentially what would
14 have been a 90-degree turn?

15 A Correct.

16 Q How much of that turn had you
17 completed before the impact occurred?

18 A Probably two-thirds.

19 Q So, if I understand, you would not
20 have been completely parallel in line with
21 Second Avenue?

22 A Correct.

23 Q You were at some angle between being
24 on 44th Street and being on Second Avenue?

25 A Correct.

1 Sklon

2 Q Could you estimate that angle for me?

3 If was a full turn was 90 degrees.

4 A A little more than 45. Maybe, 60.

5 Q Before the impact occurred, what, if
6 anything, did you do with respect to the
7 operation of the vehicle? In other words,
8 did you turn the wheel, hit the brakes, hit
9 the horn or anything else?

10 A I turned the wheel. I stepped on the
11 brake. I don't recall if I hit the horn.

12 Q Could you estimate the speed of your
13 vehicle at the point of impact?

14 A Barely moving.

15 Q In making that turn from when the
16 light turned green for you up to the point of
17 impact, what would have been the maximum
18 speed that you achieved?

19 A Five miles an hour.

20 Q Right at the point of impact, from
21 your vantage point, where was the pedestrian
22 looking?

23 A I don't know where she was looking.

24 Q Describe for me, from your vantage
25 point when the impact occurred, what part of

1 Sklon

2 the pedestrian's body you could see? Let me
3 ask it this way --

4 A Yes, please.

5 Q When the impact occurred, from where
6 you were positioned, sitting in your vehicle,
7 could you see the front of the lady, her
8 side, behind her or something else?

9 A Her side, I believe.

10 Q That would be her left side?

11 A Yes.

12 Q Did your vehicle come to a stop at the
13 point of the impact?

14 A Yes.

15 Q Tell me what happened after the
16 impact.

17 A She fell. I put the car in park, put
18 on the flashers so that no one hit me, ran
19 out to see if she was okay.

20 Q Did you say anything to her?

21 A Yes.

22 Q What did you say?

23 A "Are you okay?"

24 Q What did she say?

25 A "My leg hurt, but I'm okay." I told

1 Sklon

2 her to lie still. And I called police, told
3 them I had hit somebody. I soon called an
4 ambulance and the ambulance was there seconds
5 later.

6 Q Did you call the police from a cell
7 phone?

8 A Yes.

9 Q You called 911?

10 A Yes.

11 Q When you called 911, you essentially
12 said, you had hit somebody, please have the
13 police respond?

14 A I hit someone, she is lying in the
15 street. Somebody get here, please.

16 Q Did anybody else approach you after
17 the accident, meaning bystanders?

18 A Yes.

19 Q Do you know the names of anybody who
20 approached?

21 A No, I do not. It was one person who
22 approached.

23 Q Male or female?

24 A Female.

25 Q Could you describe her?

1 Sklon

2 A I believe, she was a heavy set woman.
3 Said she worked with the person I hit at the
4 UN.

5 Q Do you know if that was by any chance
6 Sonia Baharovic?

7 A I have no idea.

8 Q Did this heavy set woman say anything
9 to you other than, that she worked with the
10 woman on the ground?

11 A No. No. She sat with or stood over
12 the woman while waiting for the police.

13 Q You mentioned the police responded?

14 A Yes.

15 Q Did you speak to the police at the
16 scene of the accident?

17 A I did.

18 Q What did they say to you and what did
19 you say to them?

20 A I told them just what happened.

21 Q Okay.

22 A They told me to just wait. They spoke
23 to the woman who I had hit. They came back
24 to me gave me some paper with a file number
25 and said, you know, be calm. That it was an

1 Sklon

2 accident, accidents happen.

3 Q Sure. Did you fill out your own
4 accident report at any point?

5 A In writing?

6 Q Yes.

7 A No. It was just what he had taken
8 down.

9 Q Were you ever given a copy of the
10 police accident report?

11 A Much later.

12 Q Did you review the police accident
13 report?

14 A I did.

15 Q Just one second.

16 MR. SAKKAS: Would you kind
17 enough to mark this as Plaintiff's 4.

18 (Whereupon a police accident
19 report was marked Exhibit 4 for
20 identification as of this date.)

21 Q Mr. Sklon, I'm going to show you what
22 we marked as Plaintiff's Exhibit 4 for
23 identification. I'll ask you if could you
24 identify that?

25 A Police report.

1 Sklon

2 Q When did you receive a copy of the
3 report?

4 A A couple of months ago, but I only
5 received the front.

6 Q How did you receive a copy of the
7 report?

8 A It was sent to me by my attorney.

9 Q Could I just take a look at that? I'm
10 just going to read to you from the narrative
11 portion of the report from bottom and I will
12 ask you questions.

13 (Reading) Pedestrian states, she was
14 crossing Second Avenue on the south side of
15 East 44th from west to east with the walk
16 sign. When vehicle number 1 attempting to
17 turn south onto Second from eastbound 44th
18 struck her. Pedestrian, was in the crosswalk
19 with walk sign. Vehicle number 1, driver
20 agrees to above story. Stated, light turned
21 green and he attempted to turn right. PO,
22 police officer did not witness.

23 When you received the police report,
24 did you read that portion of the narrative
25 from the police report?

1 Sklon

2 A I did.

3 Q Do you have any objection to the
4 information that is contained in the
5 narrative portion of the police report?

6 A The only thing missing is that when I
7 started turning, she was on the sidewalk and
8 then she walked out in front of me. I didn't
9 realize she was going to cross the street.

10 Q I would like to show you what we
11 marked earlier as Plaintiff's Exhibit number
12 1 for identification and I'll ask you, if you
13 recognize that as the intersection of Second
14 and 44th?

15 A Only because I could see the sign.
16 The street doesn't mean much to me.

17 Q Okay, based on the seeing the sign,
18 though?

19 A Yes.

20 Q Looking at the photograph, if I might,
21 just -- the crosswalk has lines that are
22 painted in, we could see people walking in
23 the crosswalk. Do you see that?

24 A Yes.

25 Q Did the impact occur somewhere within

1 Sklon

2 the boundaries of where the painted lines of
3 the crosswalk is laid out?

4 A I'm not sure.

5 Q Would you be able to identify within
6 this photograph where the impact actually
7 occurred?

8 A I believe it was right around here.

9 Q What I'm going to ask you to do --

10 A It's tough to see a curb here.

11 Q We have a couple of photos to look at.

12 What I would like for you to do is make a
13 mark where the impact occurred to the best of
14 your ability. I will ask you to write your
15 initials next to the mark if you're able to
16 do so, of course.

17 A But it's -- it's just a guess because
18 I'm having trouble with the curb. I would
19 leave that to Mr. Adams as to whether I
20 should do that or not.

21 Q I don't want you to make any guesses
22 at any answers. I only want you to make a
23 mark on the photograph, if you can say with a
24 reasonable amount of certainty that this is
25 where the accident occurred? If it's a

1 Sklon

2 guess, in fact, don't do it.

3 A Okay, I better not guess.

4 Q Okay, that's fine. I'm going to show
5 you two more photographs that we marked as
6 Plaintiff's Exhibit 2 and 3. Which are --
7 you could see other views of the
8 intersections. Take a moment and review them
9 and if you want to look back at Plaintiff's
10 1, you could look back at that one as well.

11 A Okay. This a better photograph for
12 me.

13 Q What I would like then is, I'll ask
14 you the same question. Looking now at
15 Plaintiff's 1, 2 and 3, would you be able to
16 identify in any one of these photographs the
17 precise area where the impact occurred, such
18 that you could make a mark?

19 A I could give an estimate. I can't
20 guarantee that it's exactly precise.

21 Q I'm not asking for precision down to
22 the centimeter or anything like that. I
23 think, as long as it is in your mind a fair
24 and reasonable mark as to where the
25 accident -- you recall the accident

1 Sklon

2 occurring, that is all we could really ask of
3 you. Could you do that?

4 A Yes.

5 Q Can you do it with all three
6 photographs or just one or two?

7 A The easiest one would be number 3
8 because it is actually showing the curb.

9 Q What I would like then, would you be
10 kind enough to make a mark on Plaintiff's
11 Exhibit number 3 and then a put a circle
12 around that mark and write your initials.

13 A (Witness complying.)

14 Q I think, Mr. Sklon, you had indicated
15 that as you were sitting, waiting for the
16 light to change green on 44th, that you had
17 observed the pedestrian that was involved in
18 the accident on the sidewalk. I think, you
19 indicated that you had her under your
20 observations up to the point of the impact.

21 A Correct.

22 Q When the light turned green for you,
23 that's when you initiated your turn; is that
24 correct?

25 A Yes.

1 Sklon

2 Q When it turned green for you, did you
3 also see the pedestrian starting to cross?

4 A No.

5 Q Did she continue to wait on the corner
6 for some period of time?

7 A She stood right there on the curb.

8 Q You continued with your turn?

9 A Right.

10 Q I think, you had indicated until you
11 got about 60 degrees through the turn?

12 A Right.

13 Q Can you tell me at what point prior to
14 the impact you observed the pedestrian move?

15 A Right before.

16 Q How many seconds elapsed from when you
17 saw her move to the point of impact?

18 A Just a few. I don't know exactly how
19 many.

20 Q Was the pedestrian doing anything
21 while she was on the sidewalk; talking on a
22 cell phone, eating, smoking, anything like
23 that?

24 A She was just looking around and that's
25 what made me go a little bit slow around the

1 Sklon

2 curb because she was just standing there.

3 Q When you say she was looking around,
4 did she appear to be looking for something in
5 the sky or around her?

6 A Just had a strange look. Like she
7 wasn't sure where she was. At least, that's
8 the way I saw it.

9 Q Are you employed?

10 A Self-employed.

11 Q What do you do, sir?

12 A I do publishing consulting.

13 Q What kind of work is that?

14 A I help a few -- basically I'm
15 semi-retired. I help some magazine
16 publishers and a couple newspaper publishers
17 for strategies for single copy sales.

18 Q What is the name of your company?

19 A Sklon & Associates, Inc.

20 MR. ACCURSO: Off the record.

21 (Whereupon a discussion was
22 held off the record.)

23 Q When you rented the vehicle at Budget,
24 was that rented under your own name?

25 A Yes.

1 Sklon

2 Q Do you have a copy of the rental
3 agreement?

4 A Do not.

5 Q Did you get rid of the rental
6 agreement at some point or is it filed away
7 or something else?

8 A I may have it. I don't know.

9 Q What I'm going to ask is, would you be
10 kind enough to go through your papers when
11 you get home and see if you could obtain a
12 copy of the rental agreement, send it to your
13 lawyers. I'll make a request from them
14 separately. So send it to them. They'll
15 take care of the request at that point. All
16 right?

17 A Yes.

18 REQUEST NOTED:

19 Q To your observation, did the woman who
20 was involved in the accident, did she appear
21 to see you at any point prior to the impact?

22 A No.

23 Q When you rented the vehicle, did you
24 take out any kind of supplementary insurance
25 coverage?

1 Sklon

2 A No.

3 Q The insurance coverage was your
4 primary insurance coverage for whatever
5 vehicles you drove at home; is that correct?

6 A Yes.

7 Q As I understand, that was a policy
8 with GEICO?

9 A Yes.

10 Q A \$300,000 insurance policy?

11 A I believe so.

12 Q As I understand, there is also what we
13 call an umbrella, an excess on top of that?

14 A Correct.

15 Q That's through your homeowner's
16 policy?

17 A No. Just through a separate company.

18 Q What is the separate company?

19 A It's called ASI.

20 Q That is, I understand, \$1 million in
21 addition to the \$300,000 insurance that you
22 have?

23 A Correct.

24 Q Have either GEICO or ASI issued any
25 kind of disclaimer of coverage or anything

1 Sklon

2 indicating to you that you would not be
3 eligible for anything else, other than full
4 coverage?

5 A No.

6 Q Other than speaking with the police
7 officer at the scene of the accident and the
8 conversation that you related with both the
9 woman, who was involved in the accident and
10 her apparent co-worker, have you spoken to
11 anybody else besides your lawyers about this
12 case?

13 A Yes.

14 Q Could you tell me who that was?

15 A One of the EMS. I don't know if he
16 was the driver or just a worker.

17 Q The EMS guys usually come in pairs?

18 A Right.

19 Q It was one of the two of them?

20 A Yes.

21 Q Could you tell me what you said to
22 them and what they said to you?

23 A I asked how she was. And she said,
24 she seems okay and looks like a sprained
25 ankle and they would be taking her to the

1 Sklon

2 hospital. They didn't say which.

3 Q Other than the EMS guy, we've covered
4 everybody else, besides your lawyer, who you
5 would have spoken to about this accident?

6 A Except my wife.

7 Q Other than the police officer or your
8 lawyers, did anybody take any statements from
9 you concerning the accident?

10 A GEICO Insurance.

11 Q When did you give a statement to
12 GEICO?

13 A I called them that day. And I think
14 the day later, I think, they called me, an
15 adjustor, claim's adjustor called me. We
16 walked through it and said I would be hearing
17 back from him. He gave me a claim number.

18 Q They did. Did they actually take a
19 statement from you or were you simply
20 reporting it to them on the phone? In other
21 words, did they record something or did you
22 sign something in giving the statement to
23 GEICO?

24 A I don't remember.

25 Q In any event, you gave them your

1 Sklon

2 account of the accident, in essence. Whether
3 or not that was reported or transcribed in
4 some fashion, you don't know?

5 A I just don't remember.

6 Q Was the accident reported to Budget by
7 yourself or anybody to your knowledge?

8 A I don't know.

9 Q You did not report it yourself?

10 A I did not.

11 Q The vehicle didn't sustain any damage,
12 correct?

13 A No damage.

14 Q Bear with me for just one second. I
15 think, we're almost done. How long after the
16 impact was it that you saw this other person
17 who said they were a co-worker of the woman
18 who was struck?

19 A Two minutes maybe.

20 Q Did you see where she came from?

21 A She was walking up Second Avenue
22 heading north.

23 Q So when you first saw her --

24 A That is the way she walked towards us.
25 Q -- she came up Second Avenue. In the

1 Sklon

2 direction where you would have been going
3 south and she was walking north?

4 A North.

5 Q Was she walking north on the east side
6 of Second Avenue or the west side of Second
7 Avenue?

8 A West.

9 Q Did she ever indicate to you whether
10 or not she saw the accident, did not see the
11 accident or anything else?

12 A She didn't say to me one way or the
13 other.

14 Q From your observation, would you be
15 able to say whether or not she saw the
16 accident or did not see the accident or you
17 don't know?

18 A I don't know.

19 MR. SAKKAS: Thank you, Mr.
20 Sklon. I have no further questions.

21 MR. ACCURSO: I have no
22 questions, but I want to put a
23 statement on the record. As long as
24 Mr. Adams deems the deposition closed.

25

1 Sklon

2 MR. ADAMS: Yes.

3 MR. ACCURSO: Based on my prior
4 conversation with plaintiff's counsel
5 and more specifically, based upon the
6 testimony of Mr. Sklon, that there was
7 no operational or mechanical
8 difficulties with the Budget Rent A
9 Car involved in this accident, I'm
10 going to ask plaintiff's attorney to
11 voluntarily discontinue the action
12 against PV Holding Corp. and we will
13 take that up later.

14 MR. SAKKAS: We could take it
15 up later. Why don't you do this,
16 write me a letter indicating your
17 request and what the basis is. I'll
18 take it into consideration.

19 I imagine that we'll be able to
20 resolve this. I think the only issue
21 is, what happens to the Budget 25
22 policy we discussed. I understand
23 your position is that the policy will
24 be tendered to GEICO, to be utilized
25 for the settlement of the action.

1 Sklon

2 If that is, in fact, your
3 position -- if I stated it correctly
4 --I would appreciate you putting that
5 in a letter and indicating whether or
6 not that's actually been done and
7 we'll hash it out.

8 MR. ACCURSO: That shouldn't be
9 a problem. The financial
10 responsibility limits carried by the
11 owner of the vehicle will be tendered
12 in a formal manner to GEICO shortly,
13 so that we could obtain a
14 discontinuance in this action. I have
15 spoken with my adjustor. He told me
16 that it is eminent. So I should
17 expect that shortly.

18 (Continued next page for jurat.)

19

20

21

22

23

24

25

1 Sklon

2 MR. SAKKAS: Okay, I would ask
3 when that happens, that I be copied on
4 it. So I could be aware that, that
5 has occurred.

6 MR. ACCURSO: We will provide
7 you with a copy of that letter.

8 (Time noted: 11:07 a.m.)

9

10

11

12 RONALD SKLON

13

14 Subscribed and Sworn to before me
15 this day of 2007.

16

17

18 Notary Public

19

20

21

22

23

24

25

42

1

2

E X H I B I T S

3 PLAINTIFF'S

4	FOR IDENTIFICATION	DESCRIPTION	PAGE
5	1-3	Photographs	18
6	4	Police accident report	25

7

8

9

10 INFORMATION/DOCUMENTS

11	DESCRIPTION	PAGE
12	Provide copy of car rental agreement	33

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2 C E R T I F I C A T E

3 I, TRENISE JACKSON, hereby certify that
4 the Deposition of RONALD SKLON was held before me
5 on the 24th day of August, 2007; that said witness
6 was duly sworn before the commencement of his
7 testimony; that the testimony was taken
8 stenographically by myself and then transcribed by
9 myself; that the party was represented by Counsel
10 as appears herein;

11 That the within transcript is a true
12 record of the Deposition of said witness;

13 That I am not connected by blood or
14 marriage with any of the parties; that I am not
15 interested directly or indirectly in the outcome
16 of this matter; that I am not in the employ of any
17 of the counsel.

18 IN WITNESS WHEREOF, I have hereunto set my
19 hand this 5th day of September 2007.

20

21

Trenise Jackson

TRENISE JACKSON

22

23

24

25

PAGE/LINE	ERRATA SHEET	
		CORRECTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

A	B	C
<p>ability 28:14 able 5:3 28:5,15 29:15 38:15 39:19 about 6:17 12:9 15:10,17 17:2 31:11 35:11 36:5 above 26:20 accident 5:24 6:3,6,16,18 7:13 8:5,7 8:14 9:2,9 11:11 12:4 17:7,16,24 18:8,11,13,17 19:24 23:17 24:16 25:2,4,10,12,18 28:25 29:25,25 30:18 33:20 35:7,9 36:5,9 37:2,6 38:10,11,16,16 39:9 42:6 accidents 25:2 account 37:2 accurate 17:6 accusso 2:19 5:3 7:3 16:13 32:20 38:21 39:3 40:8 41:6 achieved 21:18 across 8:15 action 39:11,25 40:14 actually 28:6 30:8 36:18 40:6 adams 2:13 10:22 28:19 38:24 39:2 addition 34:21 address 4:10 5:10,14 adjustor 36:15,15 40:15 administer 3:16 after 22:15 23:16 37:15 again 14:21 against 1:8 39:12 ago 26:4 AGREED 3:4,9,14 agreement 33:3,6,12 42:12 agrees 26:20 almost 37:15 along 17:22 ambulance 23:4,4 amount 28:24 angle 20:23 21:2 ankle 35:25 answer 4:22,24 answers 28:22 anybody 18:7 19:16 23:16,19 35:11 36:8 37:7 anything 12:3 13:9 15:10 19:12 21:6,9 22:20 24:8 29:22 31:20,22 34:25 35:3 38:11 anytime 4:19 apparent 35:10 appear 32:4 33:20 appears 43:10 appreciate 40:4 approach 23:16 approached 10:10 23:20,22 approximately 7:20 area 9:8,11 29:17 around 28:8 30:12 31:24,25 32:3,5 ASI 34:19,24 asked 35:23 asking 4:17 29:21 Associates 32:19</p>	<p>attempted 26:21 attempting 26:16 attorney 5:7 26:8 39:10 attorneys 2:4,10,16 3:5 August 1:18 43:5 authorized 3:16 Avenue 2:11 6:21 7:9 8:4 10:3,6 11:24 13:21,22,24 14:3,8,21,24 17:22 19:18 20:21,24 26:14 37:21,25 38:6 38:7 aware 14:6 18:16 41:4 away 19:25 33:6 a.m 1:19 41:8</p> <p>B</p> <p>B 42:2 back 17:5 19:15 24:23 29:9,10 36:17 Baharovic 18:14,14 24:6 Barely 21:14 barrister 1:17,23 based 27:17 39:3,5 basically 32:14 basis 39:17 Bear 37:14 before 1:19 3:18 4:3,22 7:22 11:14 20:17 21:5 31:15 41:14 43:4,6 behind 22:8 being 20:23,24 bejasa-omega 1:5 4:18 believe 6:4 7:8 11:7,15,21 18:22 19:2 22:9 24:2 28:8 34:11 besides 5:18 19:18 35:11 36:4 best 28:13 better 15:13 29:3,11 between 3:5 13:15 20:23 birth 5:20 bit 17:5 31:25 blocks 9:3 blood 43:13 body 22:2 both 35:8 bottom 26:11 boundaries 28:2 brake 21:11 brakes 21:8 break 5:6,8 bridge 9:19 Broadway 1:17,23 2:5 Budget 7:2 11:10 32:23 37:6 39:8,21 bumper 18:22 business 7:12 bystanders 23:17</p> <p>C</p> <p>C 2:2 43:2,2 cahn 2:4 4:16 call 13:8 23:6 34:13 called 23:2,3,9,11 34:19 36:13,14,15 calm 24:25 came 8:15 15:6 17:4 18:21 24:23</p>	<p>37:20,25 car 7:2,5,10,21,23,24 11:10,10,14,16 18:7 22:17 39:9 42:12 care 33:15 carried 40:10 cars 12:19,22,24 Caryle 4:11 5:11 case 4:17 35:12 cell 13:8 23:6 31:22 centimeter 29:22 certainty 28:24 certification 3:6 certify 43:3 chance 24:5 change 30:16 characterize 19:9 20:8 Chevrolet 11:17 Chevy 11:18 circle 30:11 City 2:12 Civ 1:6 claim 36:17 claim's 36:15 closed 38:24 come 5:2 22:12 35:17 commencement 43:6 company 32:18 34:17,18 completed 20:17 completely 20:20 complying 30:13 concerning 36:9 confusion 4:22 connected 43:13 consideration 39:18 consulting 32:12 contact 15:6 17:4 18:21 19:6,10,12,23 contacted 18:25 contained 27:4 contention 12:2 continual 16:18 continue 31:5 continued 31:8 40:18 conversation 35:8 39:4 copied 41:3 copy 25:9 26:2,6 32:17 33:2,12 41:7 42:12 corner 6:20 17:9 19:17 31:5 corners 17:12 corp 1:9 2:17 4:19 39:12 correct 5:13 6:8,23,24 7:18 8:19,20 12:14 13:16,17,23 14:19 20:15,22 20:25 30:21,24 34:5,14,23 37:12 CORRECTION 44:2 correctly 40:3 counsel 39:4 43:9,17 couple 9:16 26:4 28:11 32:16 course 28:16 court 1:2 3:18 coverage 33:25 34:3,4,25 35:4 covered 36:3</p>

co-worker 35:10 37:17 cross 27:9 31:3 crossing 17:8,22 20:4 26:14 crosswalk 15:15 17:11,13,17 26:18 27:21,23 28:3 curb 15:17 17:2 28:10,18 30:8 31:7 32:2	40:16 employ 43:16 employed 32:9 EMS 35:15,17 36:3 enough 25:17 30:10 33:10 ERRATA 44:2 ESQ 2:6,13,19 ESQS 2:4,10 essence 37:2 essentially 20:13 23:11 estimate 11:8 15:21 21:2,12 29:19 evening 6:15 event 36:25 ever 5:17 9:8 18:16 25:9 38:9 everybody 36:4 exact 6:2 exactly 9:4 11:13 29:20 31:18 EXAMINATION 4:6 examined 4:4 except 3:10 36:6 excess 34:13 Exhibit 18:5 25:19,22 27:11 29:6 30:11 expect 40:17	20:12 22:7 26:5 27:8 full 21:3 35:3 further 3:9,14 14:14 38:20
D D 4:2 damage 37:11,13 date 5:20 6:2 18:6 25:20 daughter's 8:9 day 6:13,15 36:13,14 41:15 43:5,19 deems 38:24 Defendant 1:14 2:10,16 Defendants 1:10 degrees 21:3 31:11 deposition 1:14 3:15 38:24 43:4,12 describe 15:5,13 16:22 21:24 23:25 describing 15:8 DESCRIPTION 42:4,11 designate 17:13 destination 8:8 difficulties 39:8 direction 19:21 38:2 directly 8:5 43:15 disclaimer 34:25 discontinuance 40:14 discontinue 39:11 discussed 39:22 discussion 32:21 distance 8:25 DISTRICT 1:2,3 doing 13:9 16:9,12 31:20 done 37:15 40:6 down 10:3 19:8 25:8 29:21 downtown 13:24 14:3,9,21 drive 8:3 9:14 driven 9:8 11:14 driver 26:19 35:16 driving 6:22 13:10,12,13,15 18:21 drove 11:23 34:5 dry 11:6 duly 4:3 43:6	F F 43:2 face 14:9 facing 14:21 fact 29:2 40:2 fair 29:23 familiar 9:11 fashion 12:5 37:4 fell 19:8 22:17 female 23:23,24 few 9:3 11:12 31:18 32:14 file 24:24 filed 33:6 filing 3:6 fill 25:3 financial 40:9 fine 16:6 29:4 finish 10:21,22 17:2 firm 4:16 first 4:3 15:22 16:6,15,19,23 37:23 Five 21:19 flashers 22:18 Florida 4:12 5:11 follows 4:5 force 3:17 form 3:10 formal 40:12 four-door 11:20 Franklin 2:11 from 8:3,13 10:16 14:5,25 15:22 16:19,23 17:8,11 19:25 20:4,5 21:15 21:20,24 22:5 23:6 26:10,11,15,17 26:25 31:16 33:13 36:8,17,19 37:20 38:14 front 10:18,23 17:3 18:22 19:8 20:3	G Garden 2:12 gave 5:10 24:24 36:17,25 GEICO 34:8,24 36:10,12,23 39:24 40:12 give 4:22 29:19 36:11 given 25:9 giving 36:22 go 17:5 19:18 31:25 33:10 goes 12:14 13:24 17:11 going 4:16 8:9 12:17 14:3 19:15 25:21 26:10 27:9 28:9 29:4 33:9 38:2 39:10 Good 4:13,14 green 10:10,13 15:2 21:16 26:21 30:16,22 31:2 ground 11:6 24:10 guarantee 29:20 guess 15:12 16:3 17:4 28:17 29:2,3 guesses 28:21 GUIRE 2:10 guy 36:3 guys 35:17
E E 2:2,2 42:2 43:2,2 earlier 27:11 easiest 30:7 east 8:11 26:15,15 38:5 eastbound 12:14,17 26:17 eating 31:22 effect 3:17 Eighth 7:9 8:4,13 either 8:24 12:20 34:24 elapsed 14:25 31:16 elderly 15:12 eligible 35:3 eliminate 4:21 eminent	H H 42:2 hand 43:19 hands 5:2 happen 25:2 happened 8:7 19:7 22:15 24:20 happens 39:21 41:3 hard 19:10 hash 40:7 having 4:3 28:18 head 4:25 heading 19:21 37:22 HEALY 2:10 hear 19:12 hearing 36:16 heavy 24:2,8 held 1:16 32:22 43:4 help 32:14,15 her 15:8,9,10,11,13,18,22 16:7,15,18 16:19,23 19:7 20:8 22:7,8,9,10,20 23:2,25 26:18 30:19 31:17 32:5 35:10,25 37:23 hereunto 43:18 him 10:22 36:17 hip 19:2 hit 21:8,8,11 22:18 23:3,12,14 24:3,23 holding 1:9 2:17 4:18 39:12 home 33:11 34:5 homeowner's 34:15 horn 21:9,11 hospital 36:2 hour 21:19 hurt	

22:25	lady 18:21 19:19,24 22:7 laid 28:3 lane 4:11 5:11 12:23 14:18,21,22,23 lanes 12:16 14:2 Lastly 5:5 later 23:5 25:11 36:14 39:13,15 law 4:16 lawyer 36:4 lawyers 33:13 35:11 36:8 least 5:5 32:7 leave 28:19 led 12:4 left 12:20,24 19:3 20:5,5,7 22:10 leg 22:25 length 15:21 let 4:21 5:7 10:21,22 17:5 22:2 letter 39:16 40:5 41:7 let's 18:2 lie 23:2 light 10:6,9,12,24 12:10,21,25 13:4 15:2 16:15 21:16 26:20 30:16,22 like 9:5 11:3 15:9 27:10 28:12 29:13 29:22 30:9 31:22 32:6 35:24 limits 40:10 line 20:20 lines 17:13 27:21 28:2 listed 18:17 lists 18:13 little 17:5 21:4 31:25 location 8:4 long 8:24 11:9 12:9 29:23 37:15 38:23 look 26:9 28:11 29:9,10 32:6 looked 15:9,12 looking 19:22 21:22,23 27:20 29:14 31:24 32:3,4 looks 35:24 lying 23:14	meaning 23:17 mechanical 11:22 39:7 mechanically 12:3 mentioned 24:13 MICHAEL 2:13 middle 20:12 Midtown 9:23 10:3 might 17:6 27:20 miles 21:19 million 34:20 mind 29:23 minute 12:11 minutes 11:12 37:19 missing 27:6 moment 29:8 MONTFORT 2:10 months 26:4 more 21:4 29:5 39:5 morning 4:13,14 6:17 7:11 9:6,9 11:4 motor 5:23 move 31:14,17 moving 12:16 14:2 21:14 much 14:25 20:16 25:11 27:16 myself 43:8,9
	N N 2:2 3:2 4:2,2 name 4:8,15 15:10,11 32:18,24 names 5:18 23:19 narrative 26:10,24 27:5 neighborhood 9:17 new 1:3,18,18,20,24 2:5,5,12,18 4:4 7:12 8:11 newspaper 32:16 next 28:15 40:18 nice 9:7 NICHOLAS 2:19 nod 4:25 none 14:12,13 normal 20:9 north 37:22 38:3,4,5 Notary 1:19 4:3 41:18 Note 7:3 16:13 noted 33:18 41:8 number 24:24 26:16,19 27:11 30:7,11 36:17 N.Y 1:24	
	O O 3:2 4:2,2 oath 3:16 objection 7:3 16:14 27:3 objections 3:10 observation 16:19 33:19 38:14 observations 30:20 observed 16:6 30:17 31:14 obtain 33:11 40:13 occur 6:16 27:25 occurred 6:19 8:5 9:9 13:19 15:16 17:18,19 18:8 19:6,13,23 20:17 21:5	
J JACKSON 43:3,21 January 5:22 jurat 40:18 just 5:7 9:3 10:21 11:12 13:9,12,13,20 17:2,5 18:3,18 19:15 20:11 24:20,22 25:7,15 26:9,10 27:21 28:17 30:6 31:18,24 32:2,6 34:17 35:16 37:5,14	M M 1:9,15 2:11 4:2 5:18 made 14:5,11,16 31:25 magazine 32:15 make 10:16 28:12,21,22 29:18 30:10 33:13 making 13:8 19:17 20:13 21:15 Male 23:23 manner 20:8 40:12 many 9:4 12:16 14:2 31:16,19 mark 18:3 25:17 28:13,15,23 29:18,24 30:10,12 marked 18:5 25:19,22 27:11 29:5 marriage 43:14 matter 43:16 matthew 2:6 4:15 maximum 21:17 may 3:15 12:4 14:14 33:8 maybe 9:18 12:11 21:4 37:19 MC 2:10 Meadow 8:11 mean 15:7 27:16	
K K 4:2 keep 4:24 kind 11:16 25:16 30:10 32:13 33:10 33:24 34:25 kindly 4:24 know 4:21 5:7 8:21 12:9,18 14:4 15:7 15:9,11,13 16:4,5,12 17:14 18:10,14 20:11 21:23 23:19 24:5,25 31:18 33:8 35:15 37:4,8 38:17,18 knowledge 37:7 known 5:17		
L L 3:2 4:2,2		

21:25 22:5 28:7,13,25 29:17 41:5	picked 7:22 place 7:24 17:17 Plains 2:17 Plaintiff 1:6,15 2:4 plaintiff's 25:17,22 27:11 29:6,9,15 30:10 39:4,10 42:3 please 4:21,24 5:21 22:4 23:12,15 Pleasure 7:15,16 PO 26:21 point 8:13,18 10:12,15 11:11 13:14 15:2,18,23 16:20,23 21:13,16,20,21 21:25 22:13 25:4 30:20 31:13,17 33:6,15,21 police 23:2,6,13 24:12,13,15 25:10,12 25:18,25 26:22,23,25 27:5 35:6 36:7 42:6 policy 34:7,10,16 39:22,23 portion 26:11,24 27:5 position 39:23 40:3 positioned 22:6 precise 29:17,20 precision 29:21 primary 34:4 prior 9:2,9 15:18 18:17 19:17 31:13 33:21 39:3 Probably 20:18 problem 40:9 problems 11:22 provide 41:6 42:12 Public 1:19 4:4 41:18 publishers 32:16,16 publishing 32:12 pursuant 1:16 put 22:17,17 30:11 38:22 putting 40:4 PV 1:9 2:17 4:18 39:12	16:16 regularity 9:13 related 4:17 35:8 remember 8:16 11:12 17:25 36:24 37:5 rent 7:2,10 11:10 39:8 rental 33:2,5,12 42:12 rented 7:5,7,21,25 11:10 32:23,24 33:23 report 6:6,18:13,17 25:4,10,13,19,25 26:3,7,11,23,25 27:5 37:9 42:6 reported 37:3,6 reporting 1:17,23 36:20 represented 43:9 request 33:13,15,18 39:17 reserved 3:11 residence 7:17 resolve 39:20 respect 21:6 respective 3:5 respond 23:13 responded 24:13 responsibility 40:10 review 25:12 29:8 rid 33:5 right 5:8,9 7:22 10:16 12:19,22,23 14:5,18,23 18:23 19:3,8 20:5,6,7,11 21:20 26:21 28:8 31:7,9,12,15 33:16 35:18 right-hand 14:8,17 right-most 14:20 road 2:17 13:22 ronald 1:9,15 2:11 4:9 5:18 41:12 43:4 route 8:12 running 20:10
P		S
P 2:2,2 3:2 pace 20:9 page 40:18 42:4,11 PAGE/LINE 44:2 painted 27:22 28:2 pairs 35:17 paper 24:24 papers 33:10 parallel 20:20 park 22:17 parked 12:20 14:7 part 18:20,24 21:25 parties 3:5 43:14 party 43:9 passed 15:22 passenger's 18:23 PC 2:16 pedestrian 5:24 13:16 15:5 16:11 18:24 21:21 26:13,18 30:17 31:3,14 31:20 pedestrians 17:21 pedestrian's 22:2 people 19:20 27:22 period 31:6 person 23:21 24:3 37:16 phone 13:8 23:7 31:22 36:20 photograph 27:20 28:6,23 29:11 photographs 18:4 29:5,16 30:6 42:5 photos 28:11 physically 17:16 pick 7:24		
Q		
question 3:11 4:20 7:4 29:14 questions 4:17 26:12 38:20,22		
R		
R 2:2 4:2 43:2 radio 13:5 ran 22:18 read 26:10,24 Reading 26:13 real 19:5 realize 27:9 really 30:2 REARDON 2:16 reason 5:7 reasonable 28:24 29:24 recall 6:2,10,13 8:23 9:3,7 11:4,5,16 12:23 13:6 14:10 21:11 29:25 receive 26:2,6 received 26:5,23 recognize 27:13 record 5:3 32:20,22 36:21 38:23 43:12 red		

seem 6:8 12:8 seems 35:24 Self-employed 32:10 semi-retired 32:15 send 33:12,14 sent 26:8 separate 34:17,18 separately 33:14 service 1:17,23 set 24:2,8 43:18 settlement 39:25 SHEET 44:2 short 15:11 shortly 40:12,17 show 25:21 27:10 29:4 showing 30:8 side 14:8 17:22 18:23 19:3,4 22:8,9,10 26:14 38:5,6 sidewalk 16:8 17:16 27:7 30:18 31:21 sign 26:16,19 27:15,17 36:22 signal 13:2 16:11 signed 3:15,17 simply 36:19 single 32:17 sir 32:11 sitting 22:6 30:15 sklon 1:9,15 2:11 4:1,9,13,20 5:1,10 5:18 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1,7 19:1 20:1 21:1 22:1 23:1 24:1 25:1,21 26:1 27:1 28:1 29:1 30:1,14 31:1 32:1,19 33:1 34:1 35:1 36:1 37:1 38:1,20 39:1,6 40:1 41:1,12 43:4 sky 32:5 slow 31:25 slowly 20:10 small 19:14 smoking 31:22 soft 19:10,11 some 4:17 8:18 10:12 11:17 12:4 13:14 14:22 17:17 20:23 24:24 31:6 32:15 33:6 37:4 somebody 23:3,12,15 someone 23:14 something 9:16 19:4 20:2,6,10 22:8 32:4 33:7 36:21,22 somewhere 27:25 Sonia 18:13 24:6 soon 23:3 sort 11:17 south 17:22 19:18 26:14,17 38:3 southeast 17:9,12 SOUTHERN 1:3 southwest 17:8,12 19:17 speak 5:6 24:15 speaking 35:6 specifically 8:16 39:5 speed 21:12,18 spoke 24:22 spoken 35:10 36:5 40:15	sprained 35:24 standing 16:10 19:16 32:2 started 16:25 27:7 starting 31:3 State 1:19 4:4 stated 26:20 40:3 statement 36:11,19,22 38:23 statements 36:8 states 1:2 26:13 stenographically 43:8 stepped 17:3 21:10 steps 15:17 still 16:25 23:2 STIPULATED 3:4,9,14 stood 24:11 31:7 stop 10:9 22:12 stopped 10:11 12:10 17:4 story 26:20 strange 32:6 strategies 32:17 street 6:20 7:8 8:4,19,22,25 12:12,12 14:6,15,18 17:20 20:24 23:15 27:9 27:16 streets 8:16 struck 26:18 37:18 Subscribed 41:14 supplementary 33:24 sure 19:5 25:3 28:4 32:7 sustain 37:11 sworn 3:15,18 4:3 41:14 43:6	tough 28:10 towards 19:24 37:24 town 8:15 traffic 10:6 11:3 12:16 transcribed 37:3 43:8 transcript 43:11 TRENISE 43:3,21 trial 3:12 trip 7:13,15,16 trouble 28:18 true 43:11 tunnel 9:20,23 10:3 turn 10:12 13:2 14:17 17:3 19:18 20:12,14,16 21:3,8,15 26:17,21 30:23 31:8,11 turned 8:16 15:2 21:10,16 26:20 30:22 31:2 turning 13:20 14:12,13,20 16:25 27:7 twice 9:18 two 15:17 29:5 30:6 35:19 37:19 two-thirds 20:18
U		
	U 3:2 umbrella 34:13 UN 24:4 unclear 4:20 under 15:25 16:3,18 30:19 32:24 understand 14:16 20:19 34:7,12,20 39:22 UNITED 1:2 until 8:13 15:23 31:10 usually 35:17 utilized 39:24	
V		
	vantage 21:21,24 vehicle 5:23 6:23,25 10:24 11:23 12:3 13:7,9,15 15:6 18:20,25 19:25,25 20:3 21:7,13 22:6,12 26:16,19 32:23 33:23 37:11 40:11 vehicles 10:18,23 14:2,7 34:5 verbal 4:24 very 14:7 Via 2:19 vicinity 9:14 views 29:7 Villages 4:11 5:11 voluntarily 39:11	
W		
	wait 24:22 31:5 waiting 10:24 12:21,25 13:4 16:11 24:12 30:15 waived 3:7 walk 26:15,19 walked 20:11 27:8 36:16 37:24 walking 19:24 20:9,9,10 27:22 37:21 38:3,5 want 28:21,22 29:9 38:22 wasn't 32:7	

way 22:3 32:8 37:24 38:12	11:07 41:8
weather 9:5	1140 2:11
week 6:13	11530 2:12
weekday 6:10,12	120 1:17,23
weekend 6:11	150 2:5
well 5:4 29:10	18 42:5
were 5:23 6:22 7:12 9:11,19 10:2,15	1900 4:11 5:11
10:18,23,24 12:9,16,19,21,24,25	1950 5:22
13:4,8,15 14:7,13,17,20 17:21 18:16	<hr/>
18:20 19:20,21,22 20:13,23 22:6	2
25:9 30:15 36:19 37:17	2 18:5 29:6,15
west 26:15 38:6,8	20 15:4
we'll 4:21 39:19 40:7	2007 1:18 41:15 43:5,19
we're 37:15	212-732-8066 1:24
we've 36:3	220 2:17
wheel 21:8,10	24 1:18
WHEREOF 43:18	24th 43:5
while 24:12 31:21	25 39:21 42:6
White 2:17	26th 6:4
wife 36:6	27th 6:5,7
wish 5:5	2950(SWK) 1:7
witness 26:22 30:13 43:5,12,18	<hr/>
witnesses 18:10	3
woman 17:7,15 24:2,8,10,12,23 33:19	3 18:5 29:6,15 30:7,11
35:9 37:17	30 5:22 15:4,25
words 21:7 36:21	32162 4:12 5:12
work 32:13	33 42:12
worked 24:3,9	33rd 9:24
worker 35:16	34th 9:24
working 12:7	<hr/>
write 28:14 30:12 39:16	4
writing 25:5	4 25:17,19,22 42:6
wrong 12:3	44th 6:20 8:19,21,25 10:5,16,25 12:10
<hr/> X	12:12,14,17,21 14:5,18 20:24 26:15
x 1:4,11 42:2	26:17 27:14 30:16
xxxxx 2:21 3:20	45 21:4
<hr/> Y	49th 7:8 8:4,13
yeah 16:2	<hr/>
year 9:16,18	6
yolanda 1:5 4:18	60 21:4 31:11
York 1:3,18,18,20,24 2:5,5,12,18 4:4	<hr/>
7:12 8:11	8
<hr/> \$	8:15 6:17
\$1 34:20	<hr/>
\$300,000 34:10,21	9
<hr/> 0	90 21:3
06 5:15,24 6:7	90-degree 20:14
07 1:6	911 23:9,11
<hr/> 1	
1 18:5 26:16,19 27:12 29:10,15	
1-3 42:5	
10 16:3	
10:11 1:18	
10038 2:5	
10271 1:24	
10591 2:18	

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

) ss.:

COUNTY OF NASSAU)

HELENE MOSS, being duly sworn, deposes and says that she is employed by MONTFORT, HEALY, McGUIRE & SALLEY, the attorneys for the within named Defendant(s) RONALD SKLON. That on the 4th day of January, 2008, she served the within **AFFIRMATION IN OPPOSITION** upon the following attorneys for the named parties, by depositing a true copy of the same securely enclosed in a post-paid wrapper in a post office box regularly maintained by the United States Government at 600 Franklin Avenue, Garden City, Nassau County, New York, being addresses within the State designated by them for the purpose upon the preceding appears in this action, or the place where they then kept an office, between which places there then was and now is a regular communication by mail.

Deponent is over the age of 18 years.

TO: SAKKAS & CAHN, LLP
Attorneys for Plaintiff
150 Broadway, Suite 1307
New York, N.Y. 10038
(212) 693-1313

Case has been discontinued as to PV Holding Corp.

Helene Moss

HELENE MOSS

Sworn to before me this
4th day of January, 2008.

Deborah A. Mee
Notary Public

DEBORAH A. MEE
Notary Public, State of New York
No. 01ME4716348
Qualified in Nassau County
Commission Expires February 28, 2011

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YOLANDA BEJASA-OMEGA,

- against -

PV HOLDING CORP. and RONALD M. SKLON,

Plaintiff(s),

Defendant(s).

AFFIRMATION IN OPPOSITION

MONTFORT, HEALY, McGUIRE & SALLEY
Attorneys for Defendant(s), RONALD M. SKLON

1140 FRANKLIN AVENUE
P. O. BOX 7677
GARDEN CITY, NEW YORK 11530-7677
(516) 747-4082
FAX (516) 746-0748

Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated: Signature

Print Signer's Name.....

Service of a copy of the within is hereby admitted.

Dated:

..... Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

NOTICE OF ENTRY

that the within is a (certified) true copy of a
entered in the office of the clerk of the within-named Court on

20

NOTICE OF SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the
Hon. , one of the judges of the within-named Court,
at

on 20 , at M.

Dated:

MONTFORT, HEALY, McGUIRE & SALLEY

Attorneys for

1140 FRANKLIN AVENUE

P. O. BOX 7677

GARDEN CITY, NEW YORK 11530-7677

(516) 747-4082

EAV/ES/MS/07/08

To: